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PATENT APPLICATION
Serial Number: 09/847,633
Attorney Docket Number: BIL 1864

REMARKS

Applicant hereby submits this Amendment B (Resubmission), responsive to a Notice of Non-Compliant Amendment, Paper No. 10312006-1, date mailed 11/09/06, for which a corrected submission is required to be filed by 12/09/06.

Amendment B was originally filed as responsive to the Office Action, Paper No. 20060720—Date Mailed: July 31, 2006, for which a response was due October 31, 2006 by a shortened statutory period for reply set to expire three [3] months from the mailing date of the Office Action, and for which a responsive Amendment B was timely filed on October 31, 2006.

However, pursuant to the Notice of Non-Compliant Amendment, Paper No. 10312006-1, date mailed 11/09/06, a corrected submission of the non-compliant Amendment B is required to be filed by 12/09/06.

Applicant's attorney (the undersigned hereinafter) wishes to thank Examiner Chavelier for the brief phone discussion of today's date (December 6, 2006), and for Examiner's explanation during that discussion providing direction and clarifying that a proper response to the Notice of Non-Compliant Amendment was to resubmit and file a corrected version of Amendment B as previously filed on October 31, 2006, but with the corrected listing of the claims contained therein. In accordance with this direction from Examiner, this Amendment B (Resubmission) is filed responsive to the Notice of Non-Compliant Amendment, Paper No. 10312006-1, date mailed 11/09/06. Reconsideration is requested.

Responsive to the Notice of Non-Compliant Amendment, Paper No. 10312006-1, date mailed 11/09/06, the listing of claims in Amendment B as filed on October 31, 2006 has been corrected to include the text of all pending claims, including withdrawn claims 20 to 22, as per items 4.B. and 4.E. as checked on the form for the Notice of Non-Compliant Amendment, Paper No. 10312006-1. By this Amendment B (Resubmission), these corrections have been made, and are incorporated into this Amendment B (Resubmission). It is respectfully submitted, that by this Amendment B (Resubmission), all bases of the Notice of Non-Compliant Amendment, Paper No. 10312006-1, date mailed 11/09/06, have been traversed and overcome, and that this Amendment B (Resubmission) is fully compliant.

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The following remarks directed to the claims, and Lane et al., are responsive to the Office Action, Paper No. 20060720—Date Mailed: July 31, 2006.

Claims 1-19 and 23-47 are pending. Claims 1-47 are hereby pending. Claims 20-22 were previously withdrawn as non-elected with traverse. Claims 1-3, 4, 6, 8-11, 14-19, 23-28, 35-37, 38, 39, 40, 42, 43, 45-47 are hereby amended. New Claim 48 has been added, dependent from claim 15. Claims 32 and 33 were previously presented. Claim 5 has been cancelled and its body has instead been added into claim 1, so as to make claim 1 (as amended) allowable (over objection). Claims 3 and 4 have been amended to add all of underlying base claim 1 to make them allowable (over objections). Claims 1-4, 6-19, and 23-48 are currently pending. The fee for the additional two (2) independent claims and one additional claim, has been authorized to be paid, by a concurrently filed Amendment Fee Transmittal form. No new matter has been added.

Examiner states on Page 12 of the July 31, 2006 Office Action, that:

"Claims 3-5 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims."

By this Amendment, the substance and body of claim 5 has been added into claim 1, so as to effectively rewrite claim 5 in independent form, so as not be dependent upon a rejected claim. Claims 4 and 5 have been amended and rewritten in independent form, including all of the limitations of the base claim (claim 1) and any intervening claims (none).

It is respectfully submitted, that by this Amendment, all bases of objection of claims 3-5 are traversed and overcome, and that as amended, independent claims 1, 3 and 4 are now allowable. Claims 2-10 and 23-27 depend from claim 1 (which is allowable as amended), and therefore, claims 2-10 and 23-27 are allowable.

Claims 1, 6, 8, 11, 14-15, 18, 23-25, 27-28, 33, 39-41, are rejected under 35 U.S.C. 102(b) as being anticipated by Lane et al.

"Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Lane et al. in view of Official Notice."

"Claims 7, 16-17, 19, 34, 43, and 46, are rejected under 35 U.S.C. 103(a) as being unpatentable over Lane et al. in view of Official Notice."

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"Claim 44 is rejected under 35 U.S.C. 103(a) as being unpatentable over Lane et al. and Official Notice as applied to claim 17 above, and further in view of Official Notice."

It is respectfully submitted that Examiner's reliance upon Lane et al., is in error, and without basis on the technical merits. The cited sections of Lane et al., do not teach, suggest or infer Applicant's claimed invention as set forth in presently pending claims 1-4, 6-19, and 23-48.

For example, Examiner cites to Lane et al., which is primarily directed to error concealment and trick play (Co. 37, lines 40-55).

During trick play heads trace a different path over videotape. (Col. 38, lines 6-26.)

Col. 17, lines 39-56 (See also, Lane et al.) Lane et al. (Summary of Invention) teaches of a receiver receiving transport data packets from either a VTR directly or through its tuner module (Co. 17, lines 45-47). In either case, if the receiver detects that it is receiving data (...) in trick play mode, trick play error concealment is performed (Col. 17, lines 47-56). The decoding in Lane et al. is of "trick play data blocks" (Col. 9, lines 39-68, Col. 20, lines 1-15). There is no mention of proprietary format, but rather "to transmitter circuits and "trick play" (Col. 19, lines 20-24), and to "a video (and audio) transmission circuit which digitizes," (Col. 20, lines 17-19).

Lane et al. uses non-proprietary compression (Col. 16, lines, 32-35). As stated in Lane et al., "The system of the present invention in conjunction with, (e.g., various digital HDTV systems" (Col 20, lines 22-24).

There is NO teaching or suggestion in Lane et al., alone or in combination with any other reference of record, of any proprietary format of compression, or of a protected data file, or of transforming or decoding from a proprietary format of compressed video information to a non-proprietary format of compressed video information, or otherwise as relates to the various ones of Applicant's presently pending claims.

It is respectfully submitted that, for similar reasons, Examiner's other citations to Lane et al. are also inapposite and without basis on the technical merits.

As discussed above, Claim 1 is allowable (as amended) since responsive to Examiner's objection (to claims 3-5), the substance and body of claim 5 has been added into claim 1, so as to effectively rewrite claim 5 in independent form, (Examiner stated that claims 3-5 would be allowable if rewritten in independent form including all of the limitations of the base claim.)

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Claims 2-10 and 23-27 depend from claim 1 (which is allowable as amended), and therefore, claims 2-10 and 23-27 are allowable, and all rejections under 35 U.S.C. 102(b) and 35 U.S.C. 103(a) [alone or in view of Official Notice], of claims 2-10 and 23-27, are traversed and overcome.

Independent claims 11 and 15 have been amended to parallel allowable claim 3 as amended. Independent claims 14 and 17 have been amended to parallel allowable claim 4 as amended. Independent claims 16, 18 and 19 have been amended to parallel allowable claim 1 as amended (which is the equivalent of previously pending claim 1 added to previously pending claim 5).

Thus, it is respectfully submitted that independent claims 11 and 14-19 as amended, are allowable and patentably distinguishable over all art of record, alone or in combination with other references of record or with the Examiner's noted areas of Official Notice.

It is respectfully submitted that all basis of rejection under 35 U.S.C. 102(b) and 35 U.S.C. 103(a) over Lane et al. [alone or in view of stated areas of Official Notice], of independent claims 1, 11, and 14-19, and of claims 12-13, and 28-48 [dependent from these independent claims 11, and 14-18], is traversed and overcome for the reasons as discussed herein.

It is respectfully submitted that Lane et al., and Examiner's citations to Lane et al., fails to teach, suggest or infer Applicants' claimed invention as set forth in pending claims 1-4, 6-19, and 23-48, and that all rejections of claims 1-47 under 35 USC 102 (b) 35 USC 103 (a) are traversed and overcome.

It is respectfully submitted that all basis of rejection under the Office Action, Paper No. 20060720—Date Mailed: July 31, 2006, is traversed and overcome for the reasons as discussed herein.

It is respectfully submitted, as discussed above herein, that by this Amendment B (Resubmission), all bases of the Notice of Non-Compliant Amendment, Paper No. 10312006-1, date mailed 11/09/06, have been traversed and overcome, and that this Amendment B (Resubmission) is fully compliant.

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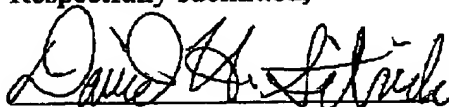
Applicants respectfully submit that all bases of objection and rejection have been traversed and overcome, and that all pending claims 1-4, 6-19, and 23-48, are improper condition for allowance, and that the present application is in proper form for allowance.

Reconsideration is requested.

The Director has previously been authorized, and remains authorized herein, to charge any additional fees and credit any overpayments during the pendency of this application to Sitrick & Sitrick's Deposit Account Number: 501166.

The Examiner is invited to communicate directly with the undersigned if it would in any way facilitate the prosecution of this Application.

Respectfully submitted,



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December 6, 2006
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